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ATTORNEY'S DOCKET NUMBER: 2003320-0032

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jarrell, *et al.*  
Serial No.: 09/910,354  
Filing Date: July 20, 2001  
Title: Modular Vector Systems

Examiner: Vogel, Nancy  
Art Unit: 1636

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

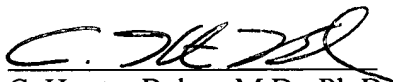
**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (6 pages);
2. Form PTO-1449 (2 pages);
3. Cited Art (13 references); and
4. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

  
C. Hunter Baker, M.D., Ph.D.  
Registration Number: 46,533

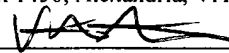
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Dated: March 13, 2006

**Certificate of Mailing**

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March 13, 2006

Date



Signature

Vincent Montalbano

Typed or Printed Name of person signing certificate



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**STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

**Type of Statement**

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or  
☒ A *supplemental* Information Disclosure Statement.

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March 13, 2006

Date

Signature

Vincent Montalbano  
Name of Person Signing

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☐ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
  - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☐ Before the mailing of a first Office action on the merits; or
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☒ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
  - ☒ Certifies that *either*:
    - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
    - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☒ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

#### Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☒ Does contain non-English language citations, of which the following is a concise explanation:

Japanese Patent application number 2005080273, filed March 18, 2005 claims priority to United States Patent application number 09/246,178 filed February 4, 1999, now United States patent number 6,171,820.

Applicant does not have possession, custody or control of a translation of Japanese Patent application number 2005080273. Furthermore, a translation is not readily available to any individual designated in 37 C.F.R. § 1.53(c). However, based on the published abstract and priority information, Applicant believes that the disclosure of Japanese Patent application number 2005080273 is substantially cumulative with United States patent number 6,171,820. United States patent number 6,171,820 is cited in this Information Disclosure Statement. Therefore, Applicant submits that the present Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98.

#### Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: March 13, 2006



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C. Hunter Baker, M.D., Ph.D.  
Registration Number: 46,533

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<b>Form PTO-1400</b> (REV. 8-83) <b>MAR 23 2006</b> U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003320-0032	In re Application No. 09/910,354	
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		Applicant: Jarrell, <i>et al.</i>		
		Filing Date: July 20, 2001	Group: 1636	

<b>U.S. PATENT DOCUMENTS</b>					
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,171,820	Short	January 9, 2001	435	69.1
	6,939,689	Short, et al.	September 6, 2005	435	69.1
	6,946,296	Patten, et al.	September 20, 2005	435	440
	6,972,183	Lafferty, et al.	December 6, 2005	435	7.4
	6,979,733	Zhao, et al.	December 27, 2005	536	23.2
	6,995,017	Stemmer	February 7, 2006	435	440

<b>U.S. PATENT APPLICATIONS</b>					
Examiner's Initials:	Publication Number:	Applicant:	Publication Date:	Group:	Art Unit:
	2005-0129059	Jiang, et al.	June 16, 2005		
	2005-0191688	Selifonov, et al.	September 1, 2005		
	2005-0186622	Stemmer, et al.	August 25, 2005		
	2005-0266465	Williams, et al.	December 1, 2005		
	2006-0008844	Stemmer, et al.	January 12, 2006		

<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	EP 1576 108	Europe	September 21, 2005		
	EP 1565 205	Europe	August 24, 2005		
	EP 1201 768	Europe	December 14, 2005		
	WO 2005/093,099	WO	October 6, 2005		
	WO 2005/093,101	WO	October 6, 2005		
	WO 2005/097,992	WO	October 20, 2005		
	WO 2005/113,592	WO	December 1, 2005		
	WO 2005/118,853	WO	December 15, 2005		
	+ JP 2005/245,453	Japan (Abstract)	September 15, 2005		

<b>OTHER DOCUMENTS</b>
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<b>Form PTO-1449</b> (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003320-0032	In re Application No. 09/910,354
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		Applicant: Jarrell, <i>et al.</i>			
		Filing Date: July 20, 2001	Group: 1636		
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)				
	Abelian, A., et al., "Targeting The A Site RNA Of The Escherichia Coli Ribosomal 30 S Subunit By 2'-O-Methyl Oligoribonucleotides: A Quantitative Equilibrium Dialysis Binding Assay And Differential Effects Of Aminoglycoside Antibiotics.", <i>Biochem. Journal</i> <b>383</b> (2): 201-208, 2004.				
	Kierzek, E., et al., "The Influence Of Locked Nucleic Acid Residues On The Thermodynamic Properties Of 2'-O-Methyl RNA/RNA Heteroduplexes.", <i>Nucleic Acid Research</i> <b>33</b> (16): 5082-5093, 2005.				
	Sandbrink, J., et al., "Investigation Of Potential RNA Bulge Stabilizing Elements.", <i>J Mol Recognit</i> <b>18</b> (4): 318-326, 2005.				
	Suzuki, Y., et al., "A Novel High-Throughput (HTP) Cloning Strategy For Site-Directed Designed Chimeragenesis And Mutation Using The Gateway Cloning System.", <i>Nucleic Acid Research</i> <b>33</b> (12): e109 (1-6), 2005.				
	Wright, A., et al., "Diverse Plasmid DNA Vectors By Directed Molecular Evolution Of Cytomegalovirus Promoters.", <i>Human Gene Therapy</i> <b>16</b> (7): 881-892, 2005.				
EXAMINER	DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					